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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,141	10/20/2003	Richard J. Gilpatrick	039189-9074	2779

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EXAMINER

MCDUFFIE, MICHAEL D

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/689,141		GILPATRICK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael McDuffie		3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6-12,14-18,21,36 and 43-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-12,14-18,21,36 and 43-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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The following correspondence is a non-final Office Action for application # 10/689,141, entitled: Frame for pressurized fluid apparatus, filed on 10/20/2003. Claims 1, 3-4, 6-12, 14-18, 21, 36, and 43-51 are pending.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the front panel integrally molded as one piece with the base (as disclosed in claim 21), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

For examination purposes, the front panel will be understood to be integral with the support members, as disclosed by the drawings.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 9 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 01/06/2006 (as disclosed in the amendments to the specification on pg. 1, lines 22+). In that paper, applicant has stated that the accessory holder is integral with the handle, and this statement indicates that the invention is different from what is defined in the claim(s) because claim 9 discloses that the accessory holder is integral with the base. For examination purposes, the accessory holder will be understood to be integral with the handle, as disclosed in the specification.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 12, 14-16, and 43-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan (U.S. Patent No.: 6375437).

Regarding claim 1, Nolan discloses a frame, the frame comprising a base **48** that supports a power unit; at least one leg **62** that supports the base **48** on a surface; and a handle **66** configured to be used to move the frame from a first location to a second location, the handle **66** including an upper end, a first support member extending downwardly from the upper end, the first support member forming an acute included angle with the base **48** and a second support member extending downwardly from the upper end the second support member forming an acute included angle with the base **48**; where the first and second support members are integrally molded as one piece with the base **48** (as seen in Figs. 1 & 4 below).

With regards to claim 3, Nolan further discloses the frame, where the base **48** includes at least one integral reinforcing rib **88**.

Regarding claim 4, Nolan discloses the frame, where the base **48** includes an aperture therein configured to receive a portion of the power unit (as shown in Fig. 4 below).

With regards to claim 6, Nolan discloses the frame, where the base **48** includes a mounting plate **54** configured to support the power unit.

Regarding claim 7, Nolan further discloses the frame, where the at least one leg **62** includes a plurality of legs (as shown in Figs. 1-3).

Regarding claim 12, Nolan discloses the frame, where the handle **66** includes a plurality of integral grip ridges **68**.

With regards to claim 14, Nolan discloses the frame, where the at least one leg **62** includes a first leg and a second leg (see Figs. 1-3), where the first support member is substantially parallel to the first leg (at **50**) and where the second support member is substantially parallel to the second leg (also at **50**).

Regarding claim 15, Nolan further discloses the frame, where the at least one leg **62** includes a first leg and a second leg, where the first support member is contiguous with the first leg, and where the second support member is contiguous with the second leg (as shown in Figs. 2-3).

With regards to claim 16, Nolan goes on to disclose the frame, where each of the support members forms an acute included angle with the base **48** (as shown in Fig. 4 below).

Regarding claim 21, Nolan discloses the frame, further comprising a front panel integral with the support members. Nolan does not explicitly disclose that the front panel is molded to the support members. However, the panel is capable of being integrally molded to the support members as a matter of design choice.

With regards to claim 43, Nolan discloses the frame, where the first support member has a first longitudinal axis and the second support member has a second longitudinal axis, where the first longitudinal axis forms an acute exterior angle with respect to the upper end of the handle **66**, and where the second longitudinal axis forms

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an acute exterior angle with respect to the upper end of the handle 66 (see Fig. 4 below).

Regarding claim 44, Nolan teaches the frame, where the upper end of the handle 66 is integrally molded as one piece with the support members.

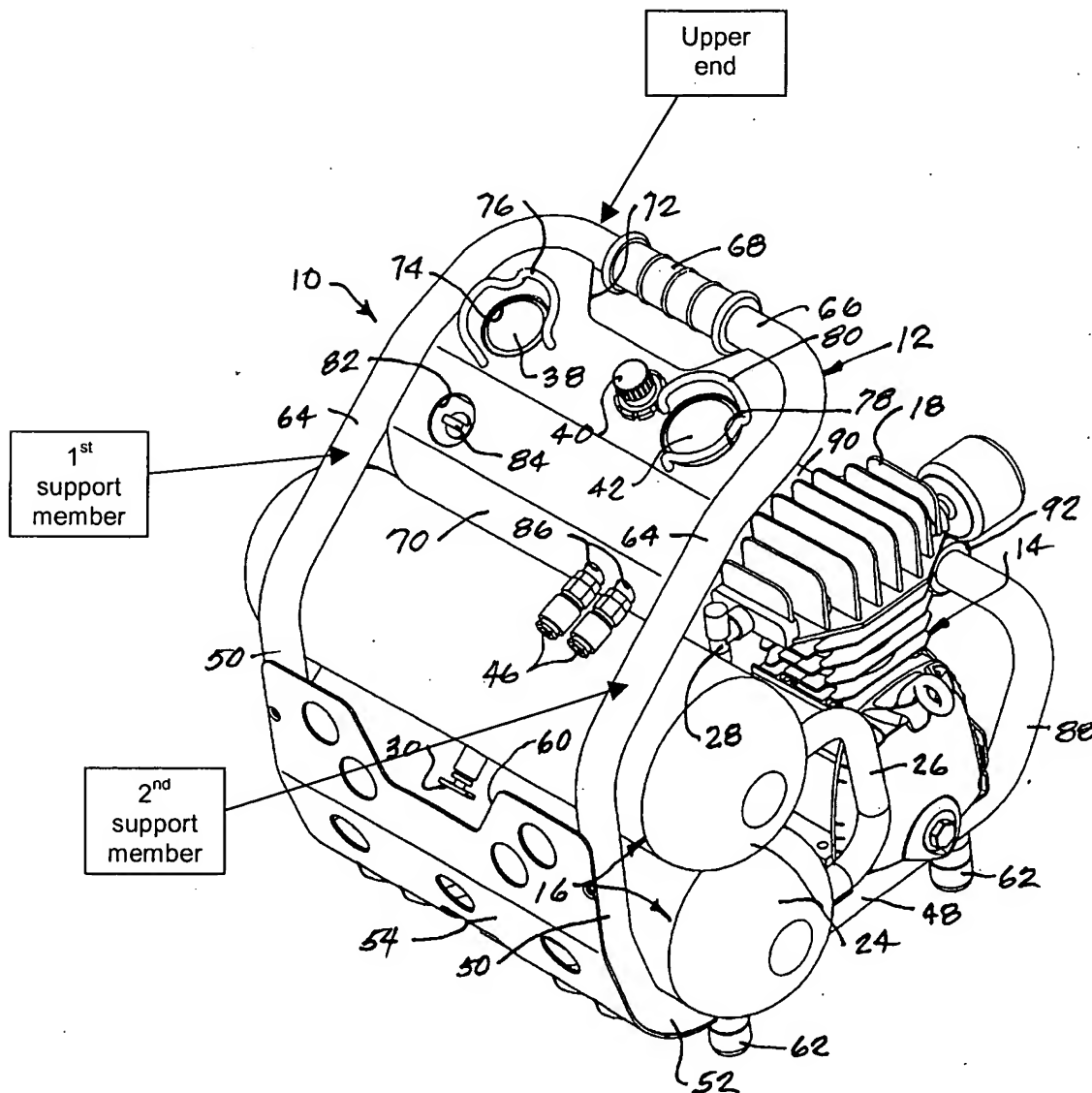
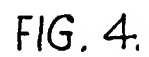


FIG. 1



Claims 46-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Hobart (U.S. Patent No.: 1771889).



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Regarding claim 46, Hobart discloses a frame comprising a base 1 that supports a power unit; at least one leg 2 that supports the base 1 on a surface; a handle configured to be used to move the frame from a first location to a second location, the handle including an upper end; and a pair of support members extending from the base 1, each support member having a first end 6 near the base and a second end near the upper end of the handle, where a first width between the respective first ends of the support members is greater than a second width between the respective second ends of the support members (as shown in Fig. 2 below).

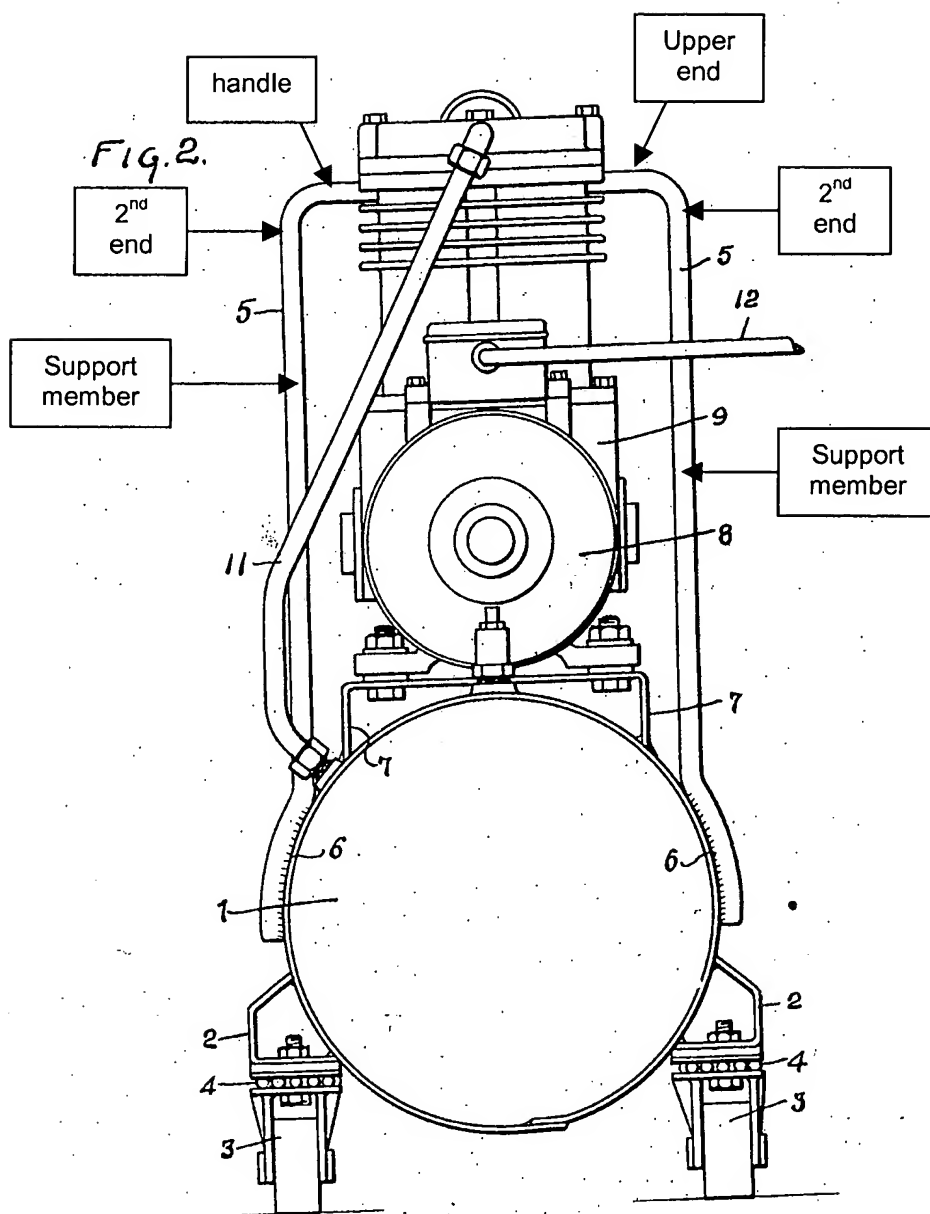
With regards to claim 47, Hobart further discloses the frame, where the pair of support members are integrally molded as one piece with the base 1.

Regarding claim 48, Hobart goes on to disclose the frame, where the upper end of the handle is integrally molded as one piece with the support members.

With regards to claim 49, Hobart discloses the frame, where the at least one leg 2 includes a plurality of legs each having a support that engages the surface, where the plurality of supports define a footprint having a third width, and where the third width is greater than the second width.

Regarding claim 50, Hobart discloses the frame, where the third width is greater than the first width.

With regards to claim 51, Hobart goes on to disclose the frame, further comprising a caster 3 coupled to the at least one leg 2.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan in view of Raczykowski (U.S. Patent No.: 5205711).

Regarding claim 8, Nolan is discussed above, and fails to teach support legs with a footprint larger than the width of the handle. Raczykowski teaches a frame **10** where each of the plurality of legs **38, 39** includes a support **42, 43** that engages the surface, where the plurality of supports **29, 30** define a footprint having a first width, and where the upper end of the handle **31** has a second width less than the first width of the footprint.

With regards to claims 17 and 18, Nolan is disclosed above, and fails to teach legs that form an obtuse angle with the base. Raczykowski teaches a frame **10**, where the at least one leg **37** includes a first leg **38** and a second leg **39**, where the first leg **38** forms an obtuse included angle with the base **32** and where the second leg **39** forms an obtuse included angle with the base **32** (about axis **50**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to utilize the legs of Raczykowski that extend outwardly from the base, with the frame of Nolan, in order to absorb the forms of vibrational energy which have the tendency to cause blowers to "walk" or move about during operation, especially on wet or icy support surfaces, as taught to be desirable by Raczykowski (see col. 2, lines 24-29).

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan in view of Rehkugler et al. (U.S. Patent No.: D463888 S).

Regarding claims 9-11, it is well known in the art to provide an accessory attachment for holding pressure washer wands and pressure washer guns, as shown in Fig. 1 of Rehkugler.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan. Regarding claim 36, it is well known in the art to utilize a side panel to provide additional support for legs.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan in view of Hobart (U.S. Patent No.: 1771889).

Regarding claim 45, Nolan is discussed above, and fails to teach a caster coupled to a leg. Hobart teaches a frame further comprising a caster **3** coupled to at least one leg **2**. It would have been obvious to one having ordinary skill in the art at the time of the invention, to incorporate Hobart's casters on Nolan's legs, in order to move the unit more easily, despite its weight and guide it from place to place, as taught to be desirable by Hobart (see lines 8-11).

**Conclusion**

In addition to the aforementioned references, the Applicant is encouraged to review form PTO-892, as it lists U.S. Patents that disclose devices capable of supporting an apparatus that supplies a pressurized fluid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael McDuffie whose telephone number is 571-272-3832. The examiner can normally be reached on Mon.-Fri., 7AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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25-Nov-06



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